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PAUL REICHE III and ROBERT FREDERICK FORD

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

STARDOCK SYSTEMS, INC.,

Plaintiff,

v.

PAUL REICHE III and ROBERT
FREDERICK FORD,

Defendants.

Case No. 4:17-CV-07025-SBA

**REICHE AND FORD'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
OPPOSITION TO STARDOCK'S
MOTION FOR TEMPORARY
RESTRAINING ORDER AND ORDER TO
SHOW CAUSE WHY PRELIMINARY
INJUNCTION SHOULD NOT BE
GRANTED**

Judge: Hon. Sandra B. Armstrong

Complaint Filed: Dec. 8, 2017
Trial Date: June 24, 2019

PAUL REICHE III and ROBERT
FREDERICK FORD,

Counter-Claimants,

v.

STARDOCK SYSTEMS, INC.,

Counter-Defendant.

1 **TO THE COURT, PLAINTIFF, AND ITS ATTORNEYS OF RECORD:**

2 Pursuant to Federal Rules of Evidence 201, Defendants and Counter-Claimants Paul
 3 Reiche III (“Reiche”) and Robert Frederick Ford (“Ford”) (collectively, “Reiche and Ford”)
 4 hereby respectfully request that the Court take judicial notice of the following records from
 5 Bankruptcy Court Case No. 13-10176 (JMP) in the United States Bankruptcy Court for the
 6 Southern District of New York:

- 7 ▪ Order Authorizing the Sale of the Star Control Franchise and Granting Related
 8 Relief, entered on July 25, 2013, attached hereto as **Exhibit 1**.

9 **LEGAL AUTHORITY**

10 Federal Rule of Evidence 201(b) provides that a court may judicially notice a fact that is
 11 not subject to reasonable dispute because it: “(1) is generally known within the trial court’s
 12 territorial jurisdiction; or (2) can be accurately and readily determined from sources whose
 13 accuracy cannot be reasonably questioned.” Fed. R. Evid. 201(b). Judicial notice is mandatory if
 14 requested by a party and the court is supplied with the necessary information. Fed. R. Evid.
 15 201(c)(2). Judicial notice is otherwise discretionary, and may be taken whether requested or not.
 16 Fed. R. Evid. 201(c)(1).

17 Court records and files are routinely subject to judicial notice. *Mullis v. United States*
 18 *Bank*, 828 F.2d 1385, 1388 n.9 (9th Cir. 1987) (taking judicial notice of “pleadings, orders and
 19 other papers on file in the underlying bankruptcy case”); *Peviana v. Hostess Brands, Inc.*, 750
 20 F.Supp.2d 1111, 1116 (C.D. Cal. 2010) (a court “may take judicial notice of matters of public
 21 record, including duly recorded documents, and court records available to the public through the
 22 Pacer system via the internet”); *Schweitzer v. Scott*, 469 F. Supp. 1017, 1020 (C.D. Cal. 1979)
 23 (“[T]he Court is empowered to and does take judicial notice of court files and records.”).

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1 The Bankruptcy Court's Order is a court record available to the public through the Pacer
2 system, the accuracy of which cannot reasonably be questioned. Accordingly, Reiche and Ford
3 request that the Court grant their Request for Judicial Notice.

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6 DATED: September 17, 2018

BARTKO ZANKEL BUNZEL & MILLER
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9 By: /s/ Stephen C. Steinberg
10 Stephen C. Steinberg
11 Attorneys for Defendants and Counter-Claimants
12 PAUL REICHE III and ROBERT FREDERICK
13 FORD
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